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**Subject:** EPA Mid-Atlantic Region Headlines - Thursday, March 14, 2019

# EPA Mid-Atlantic Region Headlines

Thursday, March 14, 2019

## \*\*\* DAILY HOT LIST \*\*\*

### Advocates say Delaware is ignoring thousands of vulnerable residents breathing pollution

WILMINGTON NEWS JOURNAL Audrey Ringgold and her husband inherited their modest home near the base of the Delaware Memorial Bridge nearly 20 years ago. Over those two decades, the nearby rumbling of tractor-trailers and silent streams of invisible pollution seeping into the air never caused them much worry. That was until late November, when Ringgold read in the newspaper that toxic gas had escaped from a nearby chemical manufacturing plant owned by Croda Inc. The night before, officials shut down the bridge for more than six hours over fears of an inferno and worries that nearby residents would inhale the cancer-causing chemical, ethylene oxide. "I was concerned because it's a chemical company. Had something happened and the neighbors didn't know anything about it, I'd be upset," the 65-year-old Delaware native said. "Let us know. Let people know what's here so that they can be informed of the dangers, if it is a danger to be had, so we'll know what to do." Across the highway, a little more than a mile from Ringgold's home, is the gate to Croda's chemical manufacturing plant. The British-based company makes surfactants, substances that act as agents that bind oil and water to make products such as face creams, toothpastes, paints and laundry detergents. Within a 2-mile radius, there are three hazardous waste storage or disposal facilities, dozens of leaking tanks and more than a dozen sites polluted by the prior use of hazardous materials, according to state and federal records. And within 5 miles of Croda's plant, there are at least four Superfund sites, where former industrial operations left a legacy of pollution. Half of those are attributed to chemical companies, according to the U.S. Environmental Protection Agency. There is also the Port of Wilmington and Diamond State Recycling Company not too far to the north, where pollution comes not only from the products, but the vessels on land and water transporting them. And within that same radius from Croda are multiple public schools and nearly 20,000 residents...

### Pentagon Pushes for Weaker Standards on Chemicals Contaminating Drinking Water

NEW YORK TIMES WASHINGTON — Facing billions of dollars in cleanup costs, the Pentagon is pushing the Trump administration to adopt a weaker standard for groundwater pollution caused by chemicals that have commonly been used at military bases and that contaminate drinking water consumed by millions of Americans. The Pentagon's position pits it against the Environmental Protection Agency, which is seeking White House signoff for standards that would most likely require expensive cleanup programs at scores of military bases, as well as at NASA launch sites, airports and some manufacturing facilities. Despite its deregulatory record under President Trump, the E.P.A. has been seeking to stick with a tougher standard for the presence of the chemicals in question in the face of the pressure from the military to adopt a far looser framework. How the administration resolves the fight has potentially enormous consequences for how the United States is going to confront what a top official at the Centers for Disease Control and Prevention has called "one of the most seminal public health challenges" of the coming decades. An estimated five

million to 10 million people in the country may be drinking water laced with high levels of the chemicals — known as Per- and polyfluoroalkyl substances, or highly fluorinated chemicals — including thousands of people who live near military bases in states including Michigan, Pennsylvania and Massachusetts. PFAS, as the chemicals are most commonly called, are present in a vast array of products, including food packaging, nonstick pans, clothing and furniture. They have been linked in recent years to cancers, immune suppression and other serious health problems... The E.P.A. completed its work on the first step, the proposed groundwater cleanup standard, last August, and transferred it to the White House Office of Management and Budget for approval, with a prediction that it would be finalized and made public by last fall. But federal officials briefed on the negotiations, including the office of Senator Thomas R. Carper, Democrat of Delaware, the ranking member of the Senate committee that oversees the E.P.A., said major objections were raised by the Pentagon, as well as by NASA, another major user of PFAS, and the Small Business Administration... Jennifer McLain, the acting director of the E.P.A.'s Office of Ground Water and Drinking Water, declined to discuss the different proposals, but she did not dispute that the E.P.A. and the Pentagon have different points of view. "Each one of those agencies has a different mission and will be looking at the issue from a different perspective," she said...

## Former MD governor Harry Hughes, who launched Bay restoration, dies

CHESAPEAKE BAY JOURNAL Former Maryland Gov. Harry R. Hughes, who launched the Chesapeake Bay restoration effort, died Wednesday at his home on the Eastern Shore. He was 92. The state's 57th governor, in office from 1979 to 1987, forged the federal-state partnership that for the last 35 years has labored to reverse the decline of North America's largest estuary. An Eastern Shore native, Hughes made saving the Bay a lasting touchstone of Maryland politics and policy, taking steps that might seem radical even today. He pushed through a landmark law limiting development along the Bay shore, for one, and braved the ire of watermen and other Shore politicians to impose a moratorium on striped bass, a popular sport and commercial catch, to save it from overfishing. News of his death drew public tributes from Maryland politicians and environmentalists. Gov. Larry Hogan issued a statement calling him a "Maryland legend" and ordered flags flown at half-staff. Ann Swanson, long-time executive director of the Chesapeake Bay Commission, called Hughes a "trail blazer" who "used science as his guidepost and common sense as his tactic" in tackling the Bay's problems...

## Trump administration makes another bid to slash Chesapeake cleanup funds

CHESAPEAKE BAY JOURNAL The Trump administration has once again called for deep cuts in federal funding for the Chesapeake Bay cleanup, despite failing twice before to convince Congress to approve similar proposals. The move, announced Monday, drew immediate criticism from environmentalists and vows from lawmakers to maintain or even increase spending on the long-running restoration effort. The fiscal year 2020 budget released by the White House would provide \$7.3 million to the U.S. Environmental Protection Agency for the Chesapeake Bay Program. That represents a 90 percent reduction from this year's funding level of \$73 million. It's the third year in a row that the Trump administration has proposed slashing the Bay Program. In President Trump's first year in office, he called for eliminating its federal funding completely. Last March, he also proposed a 90 percent reduction. Congress rejected both of those cuts. The Bay Program cut is a tiny part of a sweeping scale-back in federal funding for environmental programs called for in the administration's budget for the next fiscal year, which begins Oct. 1. The EPA would get \$6.1 billion overall, a reduction of \$2.8 billion or 31 percent. That amount "continues EPA's work to ensure clean air, water, and land, and safer chemicals," the White House Office of Management and Budget says in a summary of the spending blueprint, "while reducing regulatory burden and eliminating lower-priority activities." ... Rep. John Sarbanes, D-MD, who is co-chair of the Chesapeake Bay Watershed Task Force in Congress, called the \$455 million authorized through fiscal 2024 a "critical investment" "States rely on the EPA Chesapeake Bay Program to provide federal accountability, enforceability and resources," Sen. Ben Cardin, D-MD, said in a statement. "Less pollution means more oysters and crabs, healthier farmland, more boats and tourism on the water, and more jobs." Joining in sponsorship of the bill was Sen. Shelley Moore Capito, R-WVA, who said that it would provide "critical grant funding" to her state for meeting its obligations to help restore the Bay's water quality.

## How Forests Help Mitigate Flooding

**VIRGINIA PUBLIC RADIO** Trees are big money in Virginia, generating some \$21 billion each year, according to the state department of Forestry. Another \$6.6 billion is attributed to forest contribution to air and water quality. Now, the city of Virginia Beach is looking at the value of the city's forests as one solution to their flooding problems caused by climate change and the region's sinking lands. Ironically, rain precluded a group of conservationists, scientists and Virginia Beach officials from meeting with reporters outside at one of the forests being studied in the Princess Anne District. Their biggest concern - southerly storms that not only create stormwater, but also a domino effect that pushes water from sounds to bays to tributaries and into low-lying neighborhoods. Barbara Henley is a farmer and city councilwoman, whose family tree goes back generations in the area. She says flooding in her lifetime has been getting worse with climate change. "We're a part of the Albemarle Watershed, so we have wind tides instead of the lunar tides that the Chesapeake Bay watershed area has and when we get a prolonged southern wind we get all this water pushed up here and it can't get out until the winds shift to the north." The city wants to consider solutions beyond stricter development regulation and expensive infrastructure flood controls like levees and tide gates. "We're looking at all of this as part of our sea-level rise, recurrent flooding study," Henley said. "One aspect that we discovered is that we've got a lot of neat forest land. I learned how to say evapotranspiration because they taught me this process that the trees take up a lot more water than they need and it goes into the air and it can be a component in our flooding strategies. Virginia Tech is being brought in to study Virginia Beach and to locate forests and lands that work the hardest to reduce the risk and severity of flooding. The goal is to produce a tool that will help city officials identify best locations for reforestation and conserve forests that already sop up water. "We're also getting evapotranspiration for unforested land uses, so we can also compare the difference what an urban system is doing - which is not much in terms of evapotranspiration," said Daniel McLaughlin, the lead scientist with Virginia Tech...

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## PENNSYLVANIA

### PHILADELPHIA INQUIRER

Commentary: First came Trump. Then Sunoco's Mariner East pipeline mess. No wonder Republicans are scared A funny thing is happening — sad, maybe, if you're a Republican, amusing if you're a crusty spectator of politics — ever since Democrats began wiping out Republicans in one suburban Philadelphia election after another following President Donald Trump's victory in Pennsylvania in 2016. The Republican Party, perhaps sensing it may soon be on a morphine drip in Southeastern Pennsylvania, has two of its most prominent leaders suddenly making headlines for something you'd normally expect from a Democrat. The top elected prosecutors in Delaware and Chester Counties are taking aim at a major fossil-fuel industry player — something their party is loath to do. Criminal probes are underway into a Sunoco pipeline project that has caused anxiety, fear, and major property headaches along its route in both counties in recent years. The recent probes were sparked by Delaware County Republican District Attorney Katayoun Copeland and her GOP counterpart Tom Hogan in neighboring Chester County. The investigations ostensibly are aimed at determining whether laws may have been broken during construction of the Sunoco Pipeline's Mariner East natural-gas liquids pipeline system...

### PITTSBURGH TRIBUNE REVIEW

Savings hefty when Arnold officials switch street light bulbs and power supplier Arnold officials saw the light on saving money by illuminating streets with LED bulbs, but it just got much brighter. That's because council on Tuesday approved switching its electrical supplier to a four-year contract with Dynegy Inc., which City Clerk Mario Bellavia said will save the city about \$176,000 during that time. The city's previous supplier was Champion Energy, to whom the city was paying 13.2 cents per kilowatt hour. Under the contract with Dynegy, the cost will drop to 4.67 cents per kilowatt hour, a decrease of about 65 percent. "It was costing us about \$144,000 per year," Bellavia said. He said the city got the new rate after it decided to purchase LED street light bulbs through Connected Energy of Pittsburgh, a company that deals in low-cost lighting solutions for business. He said he and Councilman Anthony "Butch" Sgalio worked with the company to buy 26 LED lights with \$9,000 in state liquid fuels tax money. Those lights will pay for themselves through savings from using less electricity in less than a year's time, Bellavia said. He said the savings is about \$21,300 per year...

### STATE IMPACT PENNSYLVANIA (NPR)

Nuclear watchdog group, citing potential safety issue at Three Mile Island, wants NRC to investigate The nuclear

watchdog group Three Mile Island Alert is asking federal regulators to analyze what the group calls a “potentially dangerous and risky condition” with new steam generator tubes at Exelon’s Three Mile Island power plant near Harrisburg. On Monday, Three Mile Island Alert’s Scott Portzline sent a petition seeking enforcement action to the Nuclear Regulatory Commission. He wants the agency to examine flaws in the tubes that were installed in 2010 and that the company discovered were malfunctioning 22 months later. Portzline said the group first asked the NRC to resolve the issue five years ago, but due to the agency’s inaction, it’s now filing a formal petition. “I’ve been trying to address this with the NRC half-a-dozen times,” Portzline said. “I even met with two different resident inspectors. Some of the people I’ve met agree with me that this condition needs to be analyzed. It has not been done.” Portzline said design and manufacturing defects caused the tubes inside the steam generator to rub against each other, leading to wear. During high temperatures in the reactor, he said, the worn tubes could lead to a “containment bypass accident” – meaning radiation could be released from the plant...

### DELAWARE COUNTY DAILY TIMES

Editorial: A tale of two DA's - & one pipeline This is a tale of two district attorneys. Both are Republicans. Both are running for re-election. Both will face Democratic opponents in November. Both represent areas that are at the heart of the controversy raging over the Mariner East pipeline project. And now both have launched criminal investigations into the construction and operation of the \$5 billion project that will carry hundreds of thousands of barrels of highly volatile liquid gases the full width of Pennsylvania, from the Marcellus Shale region to a facility in Marcus Hook. Along the way they traverse through through 23 miles across the heart of Chester County, and snake another 11 miles through western and lower Delaware County. But how Tom Hogan, D.A. in Chester County, and Katayoun Copeland, top law enforcer here in Delaware County, got to this point could not be more different. Back in December, Hogan held a full-blown press conference to announce he was launching his probe, and went way out of his way to express his belief that state agencies and officials had not adequately responded to citizens' concerns after a series of incidents involving the pipeline, including sinkholes, spills and several runoffs. He followed that up by taking steps to impanel an investigative grand jury to hear from witnesses and review documents. The grand jury would then decide whether to issue any indictments. Contrast that with the case of Copeland. Ever since Hogan made his audacious announcement back in December, the whisper among pipeline foes here in Delaware County has grown a little louder each day. Where is Copeland? Why isn't she doing the same thing? Why hasn't she launched a probe of her own? This week Copeland revealed that she had in fact joined with the state attorney general in launching a criminal investigation of Mariner East. But she did so in a way that could not have been more different than her counterpart out in Chester County. In fact, we wonder if Copeland would have said anything at all if her hand had not been forced by the A.G.'s office. Josh Shapiro actually beat Copeland to the punch - after getting questions from us, the media...

### LANCASTER NEWSPAPERS

PPL Blasts Proposal To Subsidize Nuclear Power, Save TMI From Closing PPL Electric Utilities, which delivers most of the power to Lancaster County residents, has spoken out strongly against a legislative proposal to subsidize nuclear energy in Pennsylvania, including saving the Three Mile Island plant for a planned closure. PPL, which said the proposal would cost its 1.4 million customers \$130 million a year, called the legislation “bad public policy” and “an unfair burden on our customers.”...

Editorial: PA Should Let Three Mile Island Close THE ISSUE - Exelon, the owner of Three Mile Island Nuclear Generating Station in Dauphin County, says that utility will close in September unless it receives assistance from the state to mitigate high operating costs. Another of the state’s five nuclear plants — FirstEnergy-owned Beaver Valley — could similarly shut down within three years. Regarding TMI’s closure timeline, “Exelon has said that it needs assurances of support by June, which is when it would have to order another round of uranium fuel to run the plant for another two years,” LNP’s Ad Crable reported Tuesday. In response, legislation calling for electric ratepayers to subsidize nuclear power in Pennsylvania was introduced in the state House on Monday. State Sen. Ryan Aument, of Landisville, is expected to introduce a similar proposal in the Senate soon.

The smartest course of action for Pennsylvania is to let Three Mile Island’s planned closure happen this fall. We don’t say this lightly — we would deeply regret the loss of local jobs and the economic impact of shuttering TMI — but we do say it firmly and for these reasons:

Snow geese population may be near peak with 150,000 birds [photos, video] The past few years have brought earlier snow geese migrations, but Middle Creek Manager, Lauren Ferreri, said that it's more typical for the migration to happen around this time of year. ...

### SCRANTON TIMES TRIBUNE

PA American Water Invests \$37 Million In Lackawanna County Water, Wastewater Infrastructure

### PENN STATE NEWS

World Water Day offers time for reflection and action UNIVERSITY PARK, Pa. — On March 22, calendars will say World Water Day. But what does that mean? "World Water Day is a reminder that water is a scarce resource and a sacred resource," explained Paul Shrivastava, Penn State's chief sustainability officer and director of the Sustainability Institute. "One of the key 17 global sustainability goals is 'Ensuring availability and sustainable management of water and sanitation for ALL.' We in Pennsylvania are blessed with abundance of water. However, our water management and agricultural practices are excessively polluting. According to a recent study, Pennsylvania is *not* on track to achieve this goal. We need to make clean water a high priority goal statewide." An upcoming meeting on March 21 at the University Park campus exploring the environmental and health impacts of a particular group of synthetic chemicals on water aligns with this goal. Per- and polyfluoroalkyl substances (PFAS), which have been used in numerous industrial and consumer products — including nonstick cookware, water-repellent materials, stain- and oil-resistant fabrics, firefighting foams and even some cosmetics — are increasingly showing up in water bodies, with uncertain long-term impacts. According to Lara Fowler, assistant director of the Institutes for Energy and the Environment, "Pennsylvania is one of the most affected states by per- and polyfluoroalkyl substances (PFAS) in water, yet we are just learning how widespread of an issue this is, along with the potential health impacts." These and a myriad of other issues impacting water are why World Water Day deserves recognition...

### YORK DAILY RECORD

Trump proposes 90% cut of Chesapeake Bay cleanup funding: Why Pa. residents should care For the third year in a row, President Trump is proposing to all but eliminate funding for the Chesapeake Bay Program. The president is proposing a 90 percent budget slash that would decrease funding from \$73 million to just a little over \$7 million. "It's like snatching defeat from the jaws of victory," Chesapeake Bay Foundation President Will Baker said. "This would cut a highly successful program, that has been instrumental in saving Chesapeake Bay, off at the knees. " States that have an impact on the bay have received funding from the EPA for decades to reduce pollution, including:... In his first year in office, President Trump proposed to slash funding for Chesapeake Bay restoration in its entirety. The money was eventually restored by Congress. Last year, the president proposed to cut funding by 90 percent. Again, Congress put the money back into the budget. "We thought maybe he'd try to cut it by 80 percent this year, but he went back to 90 percent again," Baker said. "Every year, a bipartisan group of House and Senate elected officials on the appropriation committees have put the money back in."...

Editorial: Wolf Must Lock Down Funding For Codorus Creek Improvement Project In York he York County Economic Alliance is thinking big — really big — with its plans to revamp the Codorus Creek front through York City. Add up all of the proposals included in the recently unveiled "Codorus Beautification Initiative," and we're talking a \$62 million-plus project. That would make it one of the largest local public works projects in recent history...

### YORK DISPATCH

Smucker, Casey affirm support of Chesapeake Bay Program after Trump's proposed cuts Some members of the region's congressional delegation are leery of President Donald Trump's proposal to slash the Chesapeake Bay Program's funding by 90 percent, one component of the White House's \$4.75 trillion draft budget. The president unveiled a budgetary wish list for Congress Monday, March 11, which included a 31 percent cut to the Environmental Protection Agency as well the cut to the program meant to restore the polluted estuary and the rivers and streams that pour into it. The six-state collaborative effort, which includes Pennsylvania, formed in 1983 under President Ronald Reagan and is in part funded by the EPA at \$73 million annually. Trump has suggested similar spending cuts or the total elimination of funds to the program to no avail in his past two proposed federal budgets. "By cutting vital programs like the Chesapeake Bay

Program, we threaten conservation efforts and damage our ability to preserve water quality in the region," said Sen. Bob Casey, D-Pennsylvania. "I have long supported efforts, like the Chesapeake Bay program, that ensure we are protecting the Earth for generations to come and will fight to make sure this reckless budget never becomes law."... A spokesman for Sen. Pat Toomey, R-Pennsylvania, said he wouldn't comment on specific line items in the proposed budget. Rep. Scott Perry, R-Carroll Township, said that while good stewardship should be a goal, Pennsylvania residents already bear a heavy burden with the cleanup program. Pennsylvania Farm Bureau has long opposed the EPA's efforts to limit nitrogen and phosphorus runoff, claiming it will harm businesses and farms. It also unsuccessfully sued the EPA alongside the American Farm Bureau Federation for what it saw as an overreach of the federal government's regulatory power...

### **PA ENVIRONMENT DIGEST BLOG (By PA DEP)**

DEP To Discuss Draft Regs Controlling VOC [Methane] Emissions From Existing Oil & Gas Operations At March 21 Advisory Board Meeting On March 21, DEP's Oil and Gas Technical Advisory Board is scheduled to meet to discuss draft proposed RACT regulations covering volatile organic compound emissions with a "co-benefit" of reducing methane emissions from existing oil and gas operations. In December, DEP discussed its proposed approach to the regulation with the Air Quality Technical Advisory Committee outlining many of the same points it plans to make in the March 21 presentation. The approach used in the regulation is based on a federal Control Technique Guideline for oil and gas facilities which will be used to develop a RACT standard. RACT is defined as the lowest emission limitation that a particular source is capable of meeting with economically feasible, reasonably available emissions control technology...

April 5 PA Wildlife Gala To Raise Money For Wildlife Conservation & Education The 2nd annual Pennsylvania Wildlife Gala to benefit the Wildlife for Everyone Foundation, will be held at the Nittany Lion Inn, State College, on April 5, beginning with a cocktail reception at 5:30 pm. The Wildlife for Everyone Foundation, based in State College, is the nonprofit organization that promotes wildlife conservation and education in Pennsylvania. This year's event will feature wildlife biologist, Mark Ternent, from the Game Commission who will discuss Pennsylvania's black bear...

DEP: Soil Samples At A Park, Day Care Center In Palmerton, Carbon County Exceed Lead Levels On March 13, Department of Environmental Protection announced soil samples taken at Palmerton Borough Park and West End Day Care, a private facility, in Palmerton, Carbon County showed exceedances of the statewide health standards for metals (lead). Based on the soil screening results and the surface soil sampling results, DEP is recommending additional sampling within and adjacent to Palmerton Borough Park and West End Day Care. The results of the original soil sampling and screening were sent to property owners and DEP has discussed them with officials from Palmerton Borough and Palmerton School District. Results of samples taken at eight other locations came back below statewide standards...

Chesapeake Bay Stewardship Fund Offering: Small Watershed & Innovative Nutrient & Sediment Reduction Grants The National Fish and Wildlife Foundation, EPA and the Chesapeake Bay Program are now accepting applications for 2 grants programs: the Small Watershed Grants and Innovative Nutrient and Sediment Reduction Grants. Small Watershed. The Small Watershed Grants Program supports projects within the Chesapeake Bay watershed that promote community-based efforts to protect and restore the diverse natural resources of the Chesapeake Bay and its tributary rivers and streams. Proposals are due May 14...

### **PENNSYLVANIA CAPITAL STAR**

Wolf joins bipartisan group of Midwestern governors resisting Trump's Great Lakes cuts Pennsylvania Gov. Tom Wolf joined with a bipartisan group of Great Lakes state governors Wednesday to rip proposed Trump administration budget cuts to a federal clean-up initiative. Trump's 2020 budget request, unveiled Monday, calls for a 90 percent cut to the Great Lakes Restoration Initiative, The Michigan Advance reported this week. The initiative, first created in 2010, has "provided funding to 16 federal organizations to strategically target the biggest threats to the Great Lakes ecosystem," its website reads. In a statement, the governors said "the Great Lakes hold 21 percent of the world's freshwater" and argued "they are among the most vital ecological and economic resources in America." Because of that, "slashing the Great Lakes Restoration Initiative by 90 percent would cost our states thousands of good-paying jobs, hurt our tourism and recreation industries, and jeopardize public health. This is a risk we simply can't afford to take." Wolf signed the

statement with Democratic Govs. Gretchen Whitmer, of Michigan; Tony Evers, of Wisconsin; and J.B. Pritzker, of Illinois; as well as Republican Gov. Mike DeWine, of Ohio...

### ASSOCIATED PRESS (Pa.)

Pennsylvania opens investigation into gas liquids pipeline HARRISBURG — Pennsylvania's attorney general said Tuesday that his office has opened an investigation into construction on a 350-mile natural gas liquids pipeline project across southern Pennsylvania that has been blamed for polluting waterways in dozens of places and causing sinkholes near homes. Attorney General Josh Shapiro took the investigation on a referral from Delaware County's district attorney, which said it will work with the state to investigate the Mariner East 1, 2 and 2x pipeline projects. Shapiro's office received the referral around March 1. A spokesman declined to say more about the investigation, including what prompted it. "We will leave no stone unturned in this case," Shapiro said in a brief statement. The Mariner East pipelines run alongside each other and are owned by Texas-based Energy Transfer LP, a multibillion-dollar firm that owns sprawling interests in oil and gas pipelines and storage and processing facilities. The company's projects have drawn more than \$13 million in fines in Pennsylvania — primarily for polluting waterways from spills of drilling fluid and construction methods not approved by state regulators — and several temporary shutdown orders by state agencies. Sinkholes on the lawns of homes in Chester County have highlighted the lack of state authority to regulate the routes and safety features of intrastate pipelines, and prompted the county's district attorney to start a criminal investigation. The pipelines are the subject of various lawsuits and challenges in front of state regulators. At one point, the state Department of Environmental Protection accused an Energy Transfer subsidiary of "egregious and willful violations" of state law...

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## WASHINGTON, D.C.

### WASHINGTON POST

The Energy 202 Blog: Labor opposition to Green New Deal could be a big obstacle The Green New Deal just got another opponent — and no, it's not another Republican. The national arm for labor unions is objecting to the ambitious new plan to combat climate change and could present a thorny problem for Democrats. As my colleagues Colby Itkowitz, Dino Grandoni and Jeff Stein report, "support for the Green New Deal has become a benchmark for Democrats running for president. But the AFL-CIO throwing water on the plan complicates matters for Democrats who rely on labor support. "Without the backing from unions or the business community, it will be a hard sell for Democrats to get it beyond grass-roots support." In a letter to the Green New Deal's authors Sen. Edward J. Markey (D-Mass.) and Rep. Alexandria Ocasio-Cortez (D-N.Y.), the group warned that the resolution could harm U.S. workers and "is not achievable or realistic."...

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## DELAWARE

### WILMINGTON NEWS JOURNAL

Advocates say Delaware is ignoring thousands of vulnerable residents breathing pollution Audrey Ringgold and her husband inherited their modest home near the base of the Delaware Memorial Bridge nearly 20 years ago. Over those two decades, the nearby rumbling of tractor-trailers and silent streams of invisible pollution seeping into the air never caused them much worry. That was until late November, when Ringgold read in the newspaper that toxic gas had escaped from a nearby chemical manufacturing plant owned by Croda Inc. The night before, officials shut down the bridge for more than six hours over fears of an inferno and worries that nearby residents would inhale the cancer-causing chemical, ethylene oxide. "I was concerned because it's a chemical company. Had something happened and the

neighbors didn't know anything about it, I'd be upset," the 65-year-old Delaware native said. "Let us know. Let people know what's here so that they can be informed of the dangers, if it is a danger to be had, so we'll know what to do." Across the highway, a little more than a mile from Ringgold's home, is the gate to Croda's chemical manufacturing plant. The British-based company makes surfactants, substances that act as agents that bind oil and water to make products such as face creams, toothpastes, paints and laundry detergents. Within a 2-mile radius, there are three hazardous waste storage or disposal facilities, dozens of leaking tanks and more than a dozen sites polluted by the prior use of hazardous materials, according to state and federal records. And within 5 miles of Croda's plant, there are at least four Superfund sites, where former industrial operations left a legacy of pollution. Half of those are attributed to chemical companies, according to the U.S. Environmental Protection Agency. There is also the Port of Wilmington and Diamond State Recycling Company not too far to the north, where pollution comes not only from the products, but the vessels on land and water transporting them. And within that same radius from Croda are multiple public schools and nearly 20,000 residents...

Del. 9 communities affected by industrial pollution (Video) More than 15,000 residents living in the Del. 9 corridor face growing concerns over industrial pollution.

### MIDDLETOWN TRANSCRIPT

Carper gives opening statement at hearing on Diesel Emissions Reduction Act Sen. Tom Carper gave the opening statement at the March 13 U.S. Senate Environment and Public Works Committee hearing to examine S. 747, the Diesel Emissions Reduction Act of 2019. Carper and Sen. Jim Inhofe, R-Oklahoma, led a group of 10 EPW members March 12 in introducing the bill. "Mr. Chairman, thank you for convening today's hearing to examine yet another way we can come together on a policy that is a win-win-win for clean air, our climate and our economy. In today's hearing, we will be focusing on legislation that reauthorizes a program that is near and dear to my heart — the Diesel Emissions Reduction Act, or DERA," said Carper in the hearing. "I want to begin by expressing my thanks to my DERA co-pilot, Sen. Inhofe. Sen. Inhofe has been a staunch supporter of DERA since day one. I greatly appreciate his continued support and the hard work of his staff on this legislation. I also want to thank our cosponsors from last Congress who have joined us again this year, Chairman Barrasso and Sen. Whitehouse. Chairman Barrasso and his staff teamed up with us last Congress to make DERA work even better, and I appreciate his strong support. I also want to thank our new cosponsors this year — Sens. Sullivan, Booker, Capito, Gillibrand, Cramer and Van Hollen," said Carper...

### DELAWARE STATE NEWS

Osprey sightings a sure sign that spring is around the corner You don't have to listen too hard to hear the sounds of spring. The staccato of peepers in the woods and fields around my house is deafening at night, they are even amped up during the day. There is so much water everywhere I have peepers in places I didn't think they would exist. Great sound we have missed all winter. A welcome sound of spring things to come. Another sign of spring is showing up around Delmarva, ospreys. There have been a few sightings around the Chesapeake Bay and Sussex County has reported a few. They are mostly near the inland bay-back bay areas or the marshes along the beaches. They usually arrive with the shad every year, right around our favorite drinking holiday. I have seen one so far, they are my favorite fish finders. When osprey are hunting the surf or any waters, you can tell where the fish are by paying attention to the bird. If the osprey is high in the air the fish are deeper, if the osprey is low, the fish are shallow. A few years back we were on the skunk in the surf hard. We watched an osprey fly into the back of the last breaking wave and pull out a fish. We adjusted our lines and started catching. They know where the fish are all the time. Always pay attention to nature's fish finders. The osprey cams are empty and one isn't on but that will change up soon. The white perch action has been spotty at best, yellow perch (neds) action even worse. There are a few catching but many are just fishing and going through the motions. Bloodworms have been the best bait and keep an eye out, shops are starting to open back up for the season. Call ahead to check if they have the bait you need. Minnows and grass shrimp are another good option for perch...

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# WEST VIRGINIA



## CHARLESTON GAZETTE-MAIL

Pipeline company ordered to pay inspectors \$3.7M in back wages, damages A West Virginia gas pipeline construction and inspection company will pay \$3.7 million in overtime and damages to its employees, according to federal court filings. Team Environmental, LLC, based in Millwood, will pay \$1.85 million in gross back wages and \$1.85 million in liquidated damages to about 300 employees, according to documents filed in U.S. District Court in Charleston. U.S. District Judge John T. Copenhaver Jr. approved the consent judgment March 4...

Editorial: Blue states aren't waiting for Green New Deal Forget (for now and probably forever) the New Green Deal. The national media and the chattering class look at it as the possible future of energy production and use in the nation, but it seems so impractical at this point. Besides, the real action is going on in the states. At this point, it looks like the red states and blue states are going in opposite directions, with the governors of some blue states wanting to ditch coal and natural gas totally within the next 30 years...

## WEST VIRGINIA PUBLIC BROADCASTING

Toyota Considers Investing in Appalachian Solar Power On this West Virginia morning, automaker Toyota is planning to announce a major investment in solar and other renewable energy in Appalachia and the Southeastern U.S. As Sydney Boles reports, the plan includes a massive new solar facility on an old coal mine in Kentucky. Also on today's show, in the Northern Panhandle, Weirton, West Virginia, looks very different than it did last week. Some residents there are still recovering after a planned demolition that covered homes in soot, rocked foundations and blew out windows. Glynis Board reports. And we hear another StoryCorps conversation. As part of a partnership with West Virginia Public Broadcasting, StoryCorps recorded more than 100 interviews in Charleston last fall. We hear one of the conversations this morning, between Scott Jarrell and his husband Dusty Foster. West Virginia Morning is a production of West Virginia Public Broadcasting which is solely responsible for its content. Support for our news bureaus comes from West Virginia University, Concord University, and Shepherd University.

## WEST VIRGINIA METRO NEWS

Pipeline management company ordered to pay millions in back wages, damages CHARLESTON, W.Va. — A federal court has ordered a West Virginia pipeline construction management company to pay 300 safety inspectors \$3.7 million in back wages and liquidated damages. The U.S. Department of Labor's Wage and Hour Division found Team Environmental LLC did not pay employees overtime when they worked more than 40 hours a week, a violation of federal regulations. The missed payments occurred between October 2012 and May 2015. Team Environmental LLC, based in Millwood, is also enjoined from future similar violations. According to the company's website, it works with companies involved in the natural gas industry. The company will pay \$1.85 million for back wages and an equal amount regarding liquidated damages...

Conservation group celebrating after denial of industrial facility on Blackwater Canyon TUCKER COUNTY, W.Va. — A proposal to build a large industrial power generating facility on the edge of the Blackwater Canyon has been shut down, leaving conservation groups celebrating. The United States Forest Service announced its ruling on the matter this week citing the proposal by Freedomworks LLC was flawed because it conflicted with the approved National Forest Plan. Judith Rodd with Friends of Blackwater, a conservation group around the canyon said people rallied for this result. "People love Blackwater Canyon and they didn't want to see that happen," she said. "They wanted to be preserved and all that beautiful view that the tourism people put out there, to stay like it is." Monongahela National Forest Supervisor Shawn Cochran wrote a letter to Freedomworks on March 4 about the proposal, citing regulations that protect the Big Run Bog which would have been affected by the proposal. "We're very pleased that the Forest Service followed their forest management plan and said they are not going to allow this disturbance on Big Run Bog, which is a natural landmark," Rodd said. The proposal was for a pump storage project where the company would build two reservoirs, one on top of a mountain and one on the bottom of the mountain. The facility would turn generators, turns turbines and creates electricity but Rodd said the effects it would have is not worth what it does...

### ASSOCIATED PRESS (W. Va.)

Dry cleaning chemical found in West Virginia town's drinking water PADEN CITY, WV (AP) - Officials say the drinking water in a West Virginia community along the Ohio River contains a harmful chemical widely used by dry cleaners. State Bureau for Public Health spokeswoman Allison Adler said in an email Wednesday tetrachloroethylene has been detected in Paden City's water system since around 2010 at levels below maximum allowable standards. She says the water system was assessed a violation notice in December. Mayor Clyde Hochstrasser says the levels last year exceeded the federally allowed limit. Adler didn't disclose the source of the chemical, but Hochstrasser told the Intelligencer and Wheeling News-Register the cause is likely from a dry cleaner that closed more than a decade ago. According to the Environmental Protection Agency, tetrachloroethylene is a likely carcinogen and can harm an individual's nervous system, liver, kidneys and reproductive system.

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## MARYLAND

### BALTIMORE SUN

Maryland Gov. Hogan says he'll 'fight hard' against Trump proposal to gut Chesapeake Bay cleanup.

Letter: Ferry system is a good idea for crossing Chesapeake Bay

Letter: Ferries not a good alternative to the Bay Bridge

What they're saying about the legacy of former Maryland Gov. Harry Hughes ... Hughes served the people of Maryland with distinction, and was a fierce protector of our Chesapeake Bay. My wife Monica and I extend our deepest sympathies ...

### ANNAPOLIS CAPITAL GAZETTE

Editorial: Proposals by Busch, Elfreth to shake up oyster policy should become law Arguments over oyster policy stretch back to the late 19th century in Maryland, when armed boats cruised parts of the Chesapeake Bay to protect the state's most valuable natural resource of the day. Two books are worthy reads for anyone hoping to understand the backstory of Maryland's half-shell history. In "The Big Oyster," Mark Kurlansky explores how rapacious New Yorkers first ate their own oyster stocks into virtual extinction, and then turned to waters farther afield to feed their appetites: Including the Chesapeake Bay. Filling that massive gullet of the north was the beginning of a disaster that continues to play out today, as oyster beds on the Chesapeake were scraped clean on such a massive scale that it could not be sustained. If you want to understand what happened next, read Katie Lavie's wonderful "Chesapeake Oysters: The Bay Foundation and Future." "But the bottomless appetite of the Gilded Age and great fleets of skipjacks took their toll. Disease, environmental pressures and overconsumption decimated the population by the end of the twentieth century." Today, that depleted resource — thanks to historic overfishing, disease and environmental trends — is down to about 300,000 market size oysters, according to the first survey in years. Reading these books will help you understand today's debate over oyster management policy. But charting a course for the future requires you to look to the General Assembly. Legislators including House Speaker Mike Busch and state Sen. Sarah Elfreth are pursuing legislation that would keep state oyster sanctuaries off-limits to harvesting, and change the bodies that help guides management policy. This comes as the Department of Natural Resources has floated a draft management plan that can best be described as keeping the status quo, dividing the future of the resource between competing ideas from a decreasing number of commercial watermen and increasingly alarmed scientists and environmental activists...

### CHESAPEAKE BAY JOURNAL

Trump administration makes another bid to slash Chesapeake cleanup funds The Trump administration has once again called for deep cuts in federal funding for the Chesapeake Bay cleanup, despite failing twice before to convince Congress to approve similar proposals. The move, announced Monday, drew immediate criticism from environmentalists and

vows from lawmakers to maintain or even increase spending on the long-running restoration effort. The fiscal year 2020 budget released by the White House would provide \$7.3 million to the U.S. Environmental Protection Agency for the Chesapeake Bay Program. That represents a 90 percent reduction from this year's funding level of \$73 million. It's the third year in a row that the Trump administration has proposed slashing the Bay Program. In President Trump's first year in office, he called for eliminating its federal funding completely. Last March, he also proposed a 90 percent reduction. Congress rejected both of those cuts. The Bay Program cut is a tiny part of a sweeping scale-back in federal funding for environmental programs called for in the administration's budget for the next fiscal year, which begins Oct. 1. The EPA would get \$6.1 billion overall, a reduction of \$2.8 billion or 31 percent. That amount "continues EPA's work to ensure clean air, water, and land, and safer chemicals," the White House Office of Management and Budget says in a summary of the spending blueprint, "while reducing regulatory burden and eliminating lower-priority activities." ... Rep. John Sarbanes, D-MD, who is co-chair of the Chesapeake Bay Watershed Task Force in Congress, called the \$455 million authorized through fiscal 2024 a "critical investment" "States rely on the EPA Chesapeake Bay Program to provide federal accountability, enforceability and resources," Sen. Ben Cardin, D-MD, said in a statement. "Less pollution means more oysters and crabs, healthier farmland, more boats and tourism on the water, and more jobs." Joining in sponsorship of the bill was Sen. Shelley Moore Capito, R-WVA, who said that it would provide "critical grant funding" to her state for meeting its obligations to help restore the Bay's water quality.

Former MD governor Harry Hughes, who launched Bay restoration, dies Former Maryland Gov. Harry R. Hughes, who launched the Chesapeake Bay restoration effort, died Wednesday at his home on the Eastern Shore. He was 92. The state's 57th governor, in office from 1979 to 1987, forged the federal-state partnership that for the last 35 years has labored to reverse the decline of North America's largest estuary. An Eastern Shore native, Hughes made saving the Bay a lasting touchstone of Maryland politics and policy, taking steps that might seem radical even today. He pushed through a landmark law limiting development along the Bay shore, for one, and braved the ire of watermen and other Shore politicians to impose a moratorium on striped bass, a popular sport and commercial catch, to save it from overfishing. News of his death drew public tributes from Maryland politicians and environmentalists. Gov. Larry Hogan issued a statement calling him a "Maryland legend" and ordered flags flown at half-staff. Ann Swanson, long-time executive director of the Chesapeake Bay Commission, called Hughes a "trail blazer" who "used science as his guidepost and common sense as his tactic" in tackling the Bay's problems...

James River grants to pay for riparian buffers, precision ag techniques The Virginia Environmental Endowment is handing out the first round of grant funds in a multiyear program to benefit the James River — and "precision" is its key watchword. "We were very deliberate about the way we were going to spend the money," said VEE Executive Director Joseph Maroon. "We were hoping right from the beginning that the projects we would be able to select would help to fill a critical gap or really make a substantial improvement in the water quality of the James." This December, the VEE announced that it would award a total of \$4.56 million to six projects throughout the watershed as part of its James River Water Quality Improvement Program. This initiative, which places \$15.595 million in the VEE's hands, was established in 2017–18 as part of a state and federal agreement with Dominion Energy to mitigate the environmental impacts of a high-voltage transmission line across the James between the Surry nuclear power station and Jamestown...

### **ASSOCIATED PRESS (Md.)**

Bald eagle rescued from railroad tracks, trains delayed

LANDOVER, Md. (AP) — Some commuters in the nation's capital faced delays after an injured bald eagle was found on railroad tracks. The bird was spotted during the start of Wednesday evening's rush on Washington D.C. Metro tracks in Landover, Maryland. It was close to the electrified third rail. Metro single-tracked some trains and rerouted others while a rescue crew, including animal control personnel, recovered the eagle.

The bird was taken to a rehabilitation center. There is no word on the extent of its injury or condition.

Metro restored rail service nearly two hours later.

# VIRGINIA

## NATIONAL GEOGRAPHIC

Whales are dying along East Coast—and scientists are racing to understand why Virginia Beach, Va. -- On a blustery winter afternoon off the coast of Virginia Beach, people are pressing forward on the bow of the Virginia Aquarium and Marine Science Center's whale watching boat as a dorsal fin breaks the surface. Cameras click in staccato for a second or two before the humpback whale dives to feed again. The relatively small dorsal fin belies the humpback's size. Calves weigh about a ton. Adults can grow heavier than a yellow school bus loaded with kindergarten students. Few things that swim in the sea can break their bones. A mile to the north, however, by the mouth of Chesapeake Bay, a massive cargo ship is pushing south toward the whales. On this Saturday in late January, these humpbacks are swimming in traffic in the shipping channel that leads vessels to and from some of America's busiest ports. These shipping vessels are one of the few true physical threats to humpback whales...

## NORFOLK VIRGINIAN PILOT

Column: Consider coal ash alternatives COAL-FUELED power plants resulted in huge ash piles that are now a major environmental headache for Dominion Energy as it seeks to meet state and EPA requirements to close these stockpiles and the ash ponds that are associated with them. The Pilot's Editorial Board favors recycling as much of the ash as possible, and then transporting the remainder to lined, "secure" landfills. No one can argue with the goal of recycling or reuse of as much of this material as possible and the EPA has acquiesced to the use of coal ash if encapsulated in concrete and other building materials. It will require a considerable long-term commitment to remove the ash through safe and proven recycling practices. In evaluating alternatives for environmental impact, the goal is to choose the least damaging alternative. The solution must look not only to cost, but to sustainability and limiting further impacts to the environment, perhaps even constructive opportunities. The carbon footprint of excavating, loading, transporting, unloading and putting in landfills the millions of tons coal ash will be enormous. The consistency of coal ash complicates the hauling process, since it should not become airborne or substantially wet during transport. It will consume valuable landfill capacity or require newly constructed landfills. A landfill liner is thousandths of an inch thick; acres of sections are fused together in the field with manual labor and then heavy equipment operates on it. There is no effective way to leak-test such a large installation. The weight of material piled on the liner places great stress on its seams, and failure of the liner would contaminate additional sites...

## VIRGINIA PUBLIC RADIO

How Forests Help Mitigate Flooding Trees are big money in Virginia, generating some \$21 billion each year, according to the state department of Forestry. Another \$6.6 billion is attributed to forest contribution to air and water quality. Now, the city of Virginia Beach is looking at the value of the city's forests as one solution to their flooding problems caused by climate change and the region's sinking lands. Ironically, rain precluded a group of conservationists, scientists and Virginia Beach officials from meeting with reporters outside at one of the forests being studied in the Princess Anne District. Their biggest concern - southerly storms that not only create stormwater, but also a domino effect that pushes water from sounds to bays to tributaries and into low-lying neighborhoods. Barbara Henley is a farmer and city councilwoman, whose family tree goes back generations in the area. She says flooding in her lifetime has been getting worse with climate change. "We're a part of the Albemarle Watershed, so we have wind tides instead of the lunar tides that the Chesapeake Bay watershed area has and when we get a prolonged southern wind we get all this water pushed up here and it can't get out until the winds shift to the north." The city wants to consider solutions beyond stricter development regulation and expensive infrastructure flood controls like levees and tide gates. "We're looking at all of this as part of our sea-level rise, recurrent flooding study," Henley said. "One aspect that we discovered is that we've got a lot of neat forest land. I learned how to say evapotranspiration because they taught me this process that the trees take up a lot more water than they need and it goes into the air and it can be a component in our flooding strategies. Virginia Tech is being brought in to study Virginia Beach and to locate forests and lands that work the hardest to reduce the risk and severity of flooding. The goal is to produce a tool that will help city officials identify best locations for reforestation and conserve forests that already sop up water. "We're also getting evapotranspiration for unforested land uses, so we can also compare the difference what an urban system is doing - which is not much in terms of evapotranspiration," said

Daniel McLaughlin, the lead scientist with Virginia Tech...

Alternatives to Solar Arrays There are now more than 250 solar companies in Virginia – making and installing panels to generate power. Prices have fallen 43% over the last five years, and many companies have pledged to get all their electricity from renewable sources soon. There is, however, considerable resistance to so-called solar farms. When Spotsylvania County held a public hearing to discuss plans for a 3,500 acre solar array on land now sporting a tree farm, 130 people signed up to speak. Many, like realtor Lynn Smith, said they favored solar energy – but not next door. “It should not be located near residential properties. It is an industrial utility site plain and simple!” she said. At Virginia Tech, Sean McGinnis was sympathetic. He heads the school’s green engineering program. “You know I’m usually very much a proponent of renewable energy, but the size of this solar farm does give me some hesitation, especially since they’re essentially clear cutting forest in that area to put this in,” he explained. McGinnis wishes locals would, instead, put solar panels on their roofs. More than 70,000 Virginia households have done that, along with more than 5,700 churches, universities, schools, libraries, offices and factories. Even so, less than two percent of the state’s energy is generated by the sun. And even if every roof had panels on top, they would supply only a third of the state’s energy requirements. Daniel Breslau, who chairs Virginia Tech’s Department of Science, Technology and Society says centralized solar is more productive...

### **BLOOMBERG ENVIRONMENT**

Virginia Democrat Mends Environmental Advocacy With Faith It took a crushing political defeat for Rep. Donald McEachin to become the lawmaker he is today. The 57-year-old Virginia Democrat devotes much of his attention to environmental sustainability and justice. But conservation wasn’t always at the forefront of his agenda. “I would best be described as agnostic” on environmental issues as a Virginia state delegate in the 1990s, McEachin told Bloomberg Environment. He lost the Virginia attorney general’s race in 2001 by 20 percentage points, took a break from politics, and went back to school to study theology at Virginia Union University in Richmond. It was at seminary that he learned about “creation care,” the concept of environmental stewardship through a Christian philosophy. When he jumped back into elected office several years later to serve in the state Senate, one of his most devoted volunteers was also an ardent environmental advocate...

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## MISCELLANEOUS

### **GOVERNMENT EXECUTIVE**

Lawmakers Renew Push for Contractor Back Pay, An Expansion of Veterans’ Benefits and More A bipartisan group of lawmakers has not given up on providing back pay to federal contractors impacted by the 35-day partial government shutdown earlier this year, and hopes such a measure will be attached to an upcoming spending bill. Senate appropriators are preparing a bill (S. 572) to provide \$13.6 billion in disaster relief to states impacted by hurricanes Michael and Florence and last year’s California wildfires. In January, the House passed a similar bill (H.R. 268) that authorized \$14.2 billion in disaster relief spending. That legislation, considered during the partial government shutdown, also attempted to reopen federal agencies, but failed in the Senate. Last week, 38 senators, led by Sens. Chris Van Hollen, D-Md., and Susan Collins, R-Maine, urged Senate Appropriations Committee Chairman Richard Shelby, R-Ala., and ranking member Patrick Leahy, D-Vt., to add a provision to the disaster bill granting back pay to contractors who lost wages during the lapse in appropriations...

### **GREENWIRE / E&E NEWS**

Coal Ash: Cleanup extension remains in place The Trump administration and utility industry won a victory today as a federal appellate court opted against scrapping an extension to the original deadline for closing some coal ash dumps. In a brief order, a three-judge panel for the U.S. Court of Appeals for the District of Columbia Circuit agreed to leave the extension in place as EPA works on addressing the court’s ruling last August that the agency’s 2015 coal ash disposal regulations were flawed in part because they allowed unlined storage ponds to stay open indefinitely absent evidence of

unsafe groundwater contamination. But shortly before that ruling, EPA had amended the regulations to give power producers until late 2020 to begin closing or retrofitting unlined ponds that lead to violations of groundwater standards. Under the original rules, producers had just six months...

Great Lakes: 5 governors oppose Trump plan to cut cleanup spending Governors of five states oppose President Trump's call for a 90 percent spending cut for a Great Lakes cleanup program. The president's 2020 budget proposal offers \$30 million for the Great Lakes Restoration Initiative, which gets \$300 million most years (*Greenwire*, March 11). It removes toxic pollution, prevents algae blooms and species invasions, and restores wildlife habitat. The governors said today the cut would cost jobs, hurt tourism and jeopardize public health. They urged Trump and Vice President Mike Pence, a former Indiana governor, to fully fund the program. Issuing the statement were Democratic Govs. Gretchen Whitmer of Michigan, Tony Evers of Wisconsin, Tom Wolf of Pennsylvania and J.B. Pritzker of Illinois, along with Republican Gov. Mike DeWine of Ohio. The Trump administration has said state and local governments should fund the program. The budget proposal also calls for spending \$75.3 million toward construction of a new Great Lakes shipping lock in Michigan's Upper Peninsula...

Judges appointed by Democrats thwart Trump agenda — report The top Trump-appointed lawyer in the Justice Department's environmental practice appeared in federal court today to defend the administration's refusal to impose new standards on the hardrock mining industry. Jeffrey Bossert Clark, head of DOJ's Environment and Natural Resources Division, was in the courtroom trenches today repeatedly arguing that the president and EPA have broad discretion when deciding whether to regulate particular industries under the Comprehensive Environmental Response, Compensation and Liability Act, or CERCLA. But federal judges hearing today's arguments at the U.S. Court of Appeals for the District of Columbia Circuit grappled with EPA's decades of inaction on the provision of the law requiring cleanup insurance for various facilities handling hazardous substances. "What's going on?" asked Judge Thomas Griffith, a George W. Bush appointee. "Why is that the case? That's a long, long time." CERCLA, also known as the Superfund law, includes a requirement that the government ensure companies can afford to clean up their sites. The 1980 statute directs the president — and ultimately EPA — to craft financial assurance regulations for classes of facilities deemed especially risky. To date, EPA hasn't crafted rules for any class...

EPA's responsibility over worker safety splits lawmakers Lawmakers yesterday divided along party lines over which federal agency should be in charge of protecting workers from dangerous chemicals. Republicans at the House Energy and Commerce Committee hearing on chemical risks argued that the Labor Department's Occupational Health and Safety Administration should take the lead in protecting workers. But Democrats on the Environment and Climate Change Subcommittee — aided by a Clinton-era regional director of OSHA and union representatives — argued that the recent overhaul of the Toxic Substances Control Act directed EPA to consider workers whenever it reviews the safety of chemicals. At issue was a provision in the 2016 TSCA reform law that requires EPA to determine whether new chemicals or new uses of existing substances present "an unreasonable risk of injury to health or the environment," including — for the first time — the health of workers and other groups who are at higher risk of or more susceptible to dangerous chemical exposures. "Our track record of protecting workers is appalling," Rep. Frank Pallone, chairman of the full committee, said at the outset of the hearing. The New Jersey Democrat said that occupational diseases kill more than 50,000 workers in the United States annually, a figure the AFL-CIO has also cited. "Many of us who worked to update TSCA hoped it would help," Pallone said. "But unfortunately, I fear EPA's implementation of the act is moving us in the wrong direction."...

## ***NEW YORK TIMES***

Pentagon Pushes for Weaker Standards on Chemicals Contaminating Drinking Water WASHINGTON — Facing billions of dollars in cleanup costs, the Pentagon is pushing the Trump administration to adopt a weaker standard for groundwater pollution caused by chemicals that have commonly been used at military bases and that contaminate drinking water consumed by millions of Americans. The Pentagon's position pits it against the Environmental Protection Agency, which is seeking White House signoff for standards that would most likely require expensive cleanup programs at scores of military bases, as well as at NASA launch sites, airports and some manufacturing facilities. Despite its deregulatory record under President Trump, the E.P.A. has been seeking to stick with a tougher standard for the presence of the chemicals in question in the face of the pressure from the military to adopt a far looser framework. How the administration resolves the fight has potentially enormous consequences for how the United States is going to confront

what a top official at the Centers for Disease Control and Prevention has called “one of the most seminal public health challenges” of the coming decades. An estimated five million to 10 million people in the country may be drinking water laced with high levels of the chemicals — known as Per-and polyfluoroalkyl substances, or highly fluorinated chemicals — including thousands of people who live near military bases in states including Michigan, Pennsylvania and Massachusetts. PFAS, as the chemicals are most commonly called, are present in a vast array of products, including food packaging, nonstick pans, clothing and furniture. They have been linked in recent years to cancers, immune suppression and other serious health problems... The E.P.A. completed its work on the first step, the proposed groundwater cleanup standard, last August, and transferred it to the White House Office of Management and Budget for approval, with a prediction that it would be finalized and made public by last fall. But federal officials briefed on the negotiations, including the office of Senator Thomas R. Carper, Democrat of Delaware, the ranking member of the Senate committee that oversees the E.P.A., said major objections were raised by the Pentagon, as well as by NASA, another major user of PFAS, and the Small Business Administration... Jennifer McLain, the acting director of the E.P.A.’s Office of Ground Water and Drinking Water, declined to discuss the different proposals, but she did not dispute that the E.P.A. and the Pentagon have different points of view. “Each one of those agencies has a different mission and will be looking at the issue from a different perspective,” she said...

### **NJ SPOTLIGHT**

Newark Begins \$75M Program to Replace Lead Water Pipes Mayor says it could take eight years to change 15,000 service lines. City has received four violations for elevated levels of lead since 2017. Contractors dig firmly into the solid winter dirt outside Kristin Burks-Mullings’ North Ward home. Her water pipes are among the first out of 1,500 to be swapped out in phase one of Newark’s Lead Service Line Replacement Program. It’s a welcome step after the city received four violations for elevated lead levels since 2017. Families like the Mullings began taking matters into their own hands. “We’ve been drinking bottled water, and I cook with bottled water,” Mullings said. “We’ll be replacing approximately 15,000 lead service lines over about an eight-year period,” said Newark Mayor Ras Baraka. Baraka said so far 1,800 families have signed up for the program. It will cost more than \$75 million to complete the residential project. Until then the city continues handing out water filters, roughly 33,000 to date. The problem was discovered after the corrosion control-inhibitor the city uses to treat the water stopped working and lead from old pipes in homes began leaching into drinking water. The city insists that the water source itself is fine. When Baraka gave his State of the City address Tuesday night, protesters rallied outside, calling attention to the problem...